EXPERT LEVEL: ADVANCED TOPICS IN LOCAL REGISTRATION

61st Annual
Texas Vital Statistics
Conference

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Agenda

- Records Issuance
- Open Records Request
- Record Storage
- Birth Ledgers
- Recording and Filing
- Remote Birth Access
- TER Usage
- Other Duties and Responsibilities
- New Legislation
- Questions



Who can legally request a birth or death record?

25 TAC 181.1: Definitions

(13) Immediate family member--The registrant, his or her guardian, or the children, spouses, parents, siblings, or grandparents of the registrant.

(16) Legal representative (personal representative or agent)—An attorney in fact, a funeral director, or any other person designated by affidavit, contract, or court order acting on behalf and for the benefit of the registrant or his or her immediate family. In order to determine the need for protection for personal property rights when the legal representative is acting on behalf and for the benefit of the registrant or the registrant's immediate family or other entity having a direct and tangible interest in the record, the State Registrar, Local Registrar, or county clerk shall require a designation document or an attested statement to that effect.





Who can legally request a birth or death record?

25 TAC 181.1: Definitions

(21) Properly qualified applicant (qualified applicant)--The registrant, or immediate family member either by blood, marriage or adoption, his or her guardian, or his or her legal agent or representative. Local, state and federal law enforcement or governmental agencies and other persons may be designated as properly qualified applicants by demonstrating a direct and tangible interest in the record when the information in the record is necessary to implement a statutory provision or to protect a personal legal property right. A properly qualified applicant may also be a person who has submitted an application for a request to release personal information and has been approved as outlined in §181.11 of this title (relating to Requests for Personal Data).

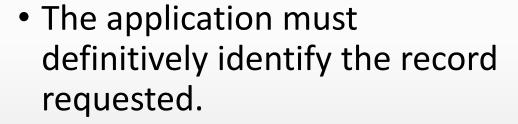








Take every application on a case-by-case basis.



 If you have enough information on the application that you can definitively identify the record, you may issue it.







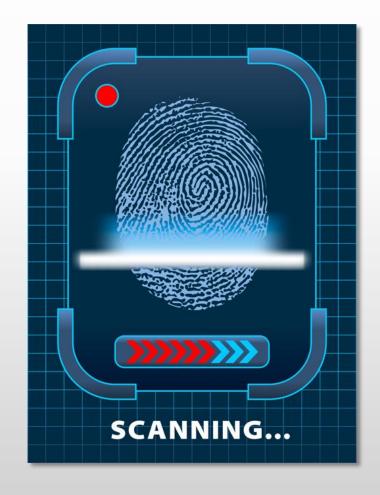
Texas Administrative Code 181.28 (i)(9):

All applicants must present identification consistent with the following identification requirements:

- A. Primary identification outlined in paragraph (10); or
- B. Secondary identification reflected in paragraph (11); and
- C. Supporting documentation stated in paragraph (12).

Primary Identification (Title 25 TAC 181.28(i)(10))

- Primary Identification documents do not require supporting documentation, unless otherwise specified.
- All acceptable Primary Identification documents must be current and valid.
- The applicant's identification must contain the applicant's name and photograph that establishes the applicant's identity.
- Issued from the United States state or federal government.



Acceptable forms of Primary Identification (Title 25 TAC 181.28(i)(10)(D))





- Driver's License; (Cannot be expired more than 90 days);
- Federal or State Identification card;
- Federal, State or City law enforcement employment identification card, or employment badge accompanied by employment identification card;
- Offender Identification card issued by the Department of Criminal Justice correctional facility or institution;
- Military Identification card;
- Department of Homeland Security, United States Citizenship and Immigration Services (USCIS) issued:
 - Employment Authorization Document (EAD);
 - Permanent Resident Card (green card);

Acceptable forms of Primary Identification (Title 25 TAC 181.28(i)(10)(D))





- Travel Documents:
 - Re-entry Permit;
 - Refugee Travel Permit; or
 - Advance Parole.
- SENTRI Card; or
- U.S. Citizen Identification Card.
- United States Department of State issued:
 - Border Crossing Card (B1 for business or pleasure or B2 medical purposes); or
 - Visa.
- Concealed Handgun License;
- Pilot's license; or
- United States Passport.

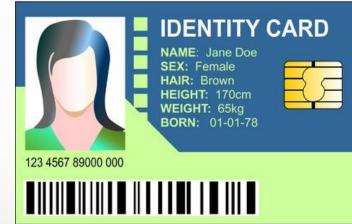
Secondary Identification (Title 25 TAC 181.28(i)(11))

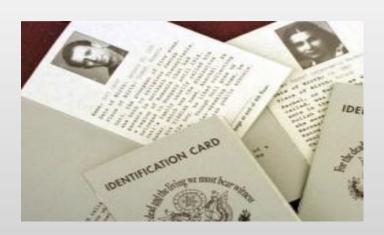


- In the absence of a form of primary identification, applicants are permitted to submit secondary forms of identification to establish proof of their identity.
- When submitting secondary forms of identification, applicants are required to produce:
 - two forms of Acceptable Secondary Identification, of different types; or
 - one form of Acceptable Secondary Identification, plus two forms of Acceptable Supporting Identification of different types.
- When submitting secondary forms of identification, the documents combined must confirm the identity of the applicant. At least one of the documents must contain the applicant's name, signature, or identifiable photo of the applicant.

Acceptable Secondary Identification (Title 25 TAC 181.28(i)(11)(D))

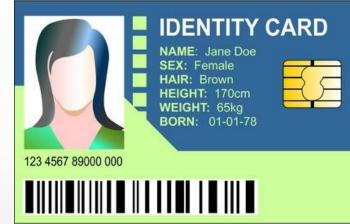
- Current student identification;
- Any Primary Identification that is expired;
- Signed Social Security card, or Numident;
- DD Form 214 Certificate of Release;
- Medicaid card;
- Medicare card;
- Veterans Affairs card;
- Medical insurance card;
- Foreign Passport accompanied by a Visa issued by the United States Department of State;

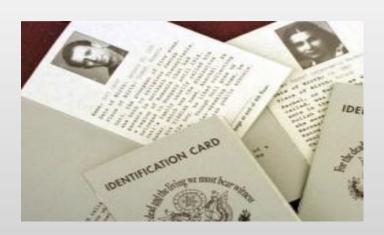




Acceptable Secondary Identification (Title 25 TAC 181.28(i)(11)(D))

- Foreign Passport in accordance with the United States Department of State, Visa Waiver Program;
- Certified birth certificate from the Department of State (FS-240, DS-1350 or FS-545);
- Private Company Employment Identification card;
- Form I-94 accompanied by the applicant's Visa or Passport;
- Mexican voter registration card; or
- Foreign Identification with identifiable photo of applicant.





Supporting Identification (Title 25 TAC 181.28(i)(12))



Other records or documents that verify the applicant's identity. The Vital Statistics Unit refers to their policy for acceptable supporting identification. The examining or supervisory personnel may determine that a supporting identification document may meet the department's requirements in establishing identity.

Examples of Supporting Identification Include:

- Recent utility bill with current address
- Recent paycheck stub
- Recent bank account statement
- Public assistance applications or letters
- Signed valid voter's registration card
- Police report of stolen identification



Examples of Supporting Identification Include:

- Hospital admission records, immunization records, medical bill
- Official school transcript
- Bank account statement
- Social security letter
- Marriage license
- Divorce decree



Examples of Supporting Identification Include:

- Certified birth certificate from Department of State (FS-240, DS-1350 or FS-545), state other than Texas, District of Columbia, or other country
- Automobile insurance card
- Lease agreements
- Promissory notes or loan contracts
- Court order
- Property titles or liens
- Automobile titles



What if...





...the applicant does not have a primary form of identification?

Two secondary forms of identification are acceptable.

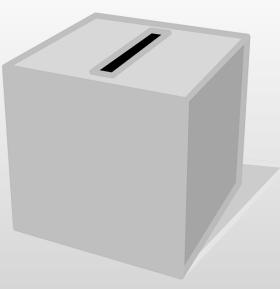
...the applicant does not have two secondary forms of identification?

One secondary document and two supplemental documents are acceptable.

Election Identification Certificate

- An individual who applies for an Election Identification Certificate (EIC) issued by DPS may be required to produce an original or certified copy of a birth record.
- For that purpose, the Department of State Health Services (DSHS) has adopted a rule amendment which waives the fees charged under Section 181.22 of the Texas Administrative Code for a certified copy of a birth record for an individual who requires a certified copy in order to obtain an Election Identification Certificate (EIC) issued by the Department of Public Safety (DPS).



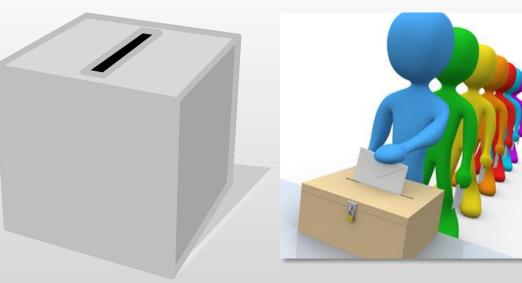




Election Identification Certificate

 This rule change does not change the requirements that apply to obtaining a certified birth record. It only waives the fee previously charged for such records.

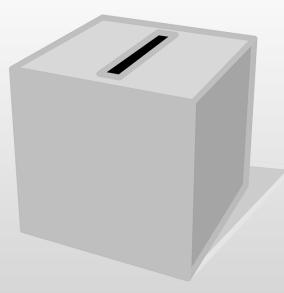




Election Identification Certificate

- Customer completes out and submits an EIC Application for Election Identification Birth Certificate.
- Customer submits valid acceptable primary or secondary identification to the local registrar office.
- Local registrar office reviews application for accuracy, completeness, and eligibility.
- Local registrar office reviews identification for accuracy and validity.
- Remember: The EIC certificate can only be issued once during the customer's lifetime.







What if...





...the office is not on the Remote Birth Access system?

The local registrar office stamps "For Election Purposes Only—Cannot Be Used As Identification" on the certified copy to be issued. (Stamp provided by the Vital Statistics Unit.)

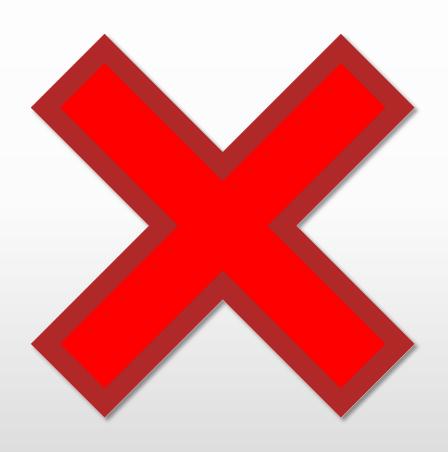
- A birth record is public information and available to the public on and after the 75th anniversary of the date of birth as shown on the record filed with the bureau of vital statistics or local registration official. [GC 552.115 (a)(1)]
- A death record is public information and available to the public on and after the 25th anniversary of the date of death as shown on the record filed with the bureau of vital statistics or local registration official. [GC 552.115 (a)(2)]





- Requests should be submitted in writing.
- Governmental entities may charge a reasonable fee for providing information under the Open Records Act.
- All government records are subject to the Open Records Act unless:
 - expressly exempted by statute;
 - The record can be shown exempt by precedent; or
 - made exempt by the Office of the Attorney General Open Records Division.





- A Local Registrar or County Clerk cannot give out plain copies of birth, death or fetal deaths.
 - All copies of birth, death and fetal death records must be issued on security paper.
- Public should not have access to *any* birth, death or fetal death records.
 - A certified copy of the record must be requested in order to view the record.
- A person cannot photograph a record.
 - Considered making a copy of the record.

Go to https://www.texasattorneygeneral.gov/og/open-government for more information about open records requests.

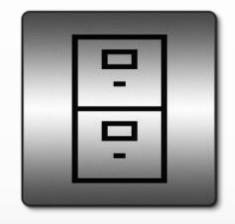
Questions about open records requests also can be directed to (877) 673-6839 (877-OPEN TEX).





Record Storage

- Vital records are permanent records, and so must be preserved/safeguarded from theft and damage.
- Texas statutes do not specifically require a physical vault. However, the State advises local registrars to incorporate security features to secure vital records for each office.





- Security measures can include the following.
 - Adding locks to doors of the rooms in which vital records are stored.
 - Purchasing shelving units that can be locked and secured.
 - Many medium and large offices use some sort of vault system to create a secure environment to store vital records.
- State office also has controlled access to vital records by using access keys.

Birth Ledgers

- Older birth ledger books may have a record of a birth listed in a one-line entry.
- The local registrar shall copy in the record book required under Section 191.025 each certificate that the local registrar registers, unless the local registrar keeps duplicates under Subsection (d) or makes photographic duplications as authorized by Chapter 181 or 201 of the Local Government Code.
- Except as provided by Subsection (e), the copies shall be permanently preserved in the local registrar's office as the local record, in the manner directed by the state registrar.



Birth Ledgers

- The books with the one line for the birth information are records that a certificate of birth was recorded by that local and should have then been sent to the state.
- At the time of the child's birth the local registrar did not keep duplicates or makes photographic duplications of birth records.
- Local registrar and/or county clerks should not create a birth record from those ledger books.





HSC 191.027 REVIEW OF CERTIFICATE BY LOCAL REGISTRAR.

- (a) The local registrar shall carefully examine each birth or death certificate when presented for registration to determine if it is completed as required by this title and by the state registrar's instructions.
- (b) If a death certificate is incomplete or unsatisfactory, the local registrar shall call attention to the defects in the return.
- (c) If a birth certificate is incomplete, the local registrar shall immediately notify the informant and require the informant to supply the missing information if it can be obtained.

What if...



...I need to review the record without filing?

- (1) Print a copy of the record from the Local Acceptance queue prior to entering the local file number and file date.
- (2) If the record is yours, enter the filing information and complete the registration.
- (3) If the record is not yours, you can decline the record.

What if...



...the record is filed in the wrong registration district?

It depends on where the death occurred.

- Institution (hospital, nursing home, etc.)
- Outside of institution, doctor signing the record
- Outside of institution, justice of the peace or medical examiner signing the record

Deaths occurring in an institution (hospital, nursing home, etc.)

- Contact the medical certifier and request, in writing, a brief statement agreeing to recertify this record.
- The statement must include:
 - · Decedent's name; and
 - Decedent's date of death.
- Fax the statement to the funeral home.
- Contact the institution where the death occurred and request confirmation on their letterhead that the death occurred at their facility.
- The statement must include the institution's:
 - Address;
 - City; and
 - County.
- Statement must be faxed or e-mailed to the funeral home.
- Ensure that this process is completed within 48 hours.



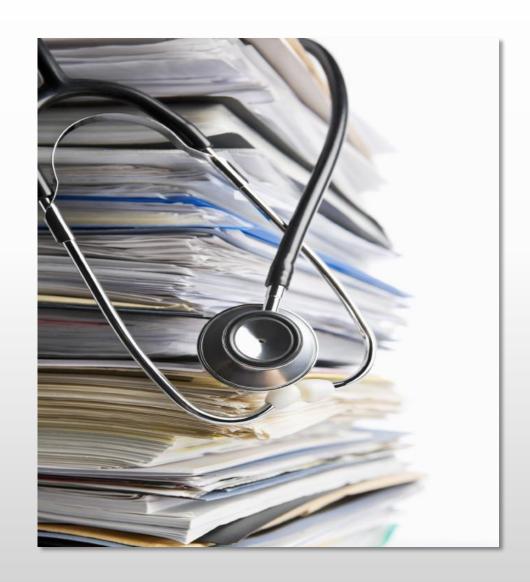
Deaths occurring outside of an institution, doctor signing the record

- Contact the Attending Physician and request, in writing, a brief statement agreeing to recertify this record on a hospice letterhead.
- The statement must include:
 - · Decedent's name; and
 - Decedent's date of death.
- Fax the statement to the funeral home.
- Contact the Local Registrar/Justice of the Peace where the death occurred.
- Request confirmation on their letterhead that the death occurred within their registration district.
- The statement must include the institution's:
 - Address;
 - · City; and
 - County.
- Statement must be faxed or e-mailed to the funeral home.
- Ensure that this process is completed within 48 hours.



Deaths occurring outside of an institution, justice of the peace or medical examiner signing the record

- Contact the Justice of the Peace and request, in writing, a brief statement agreeing to recertify this record on their letterhead.
- The statement must include:
 - Decedent's name and date of death;
 - Address where the death occurred; and
 - City and County/Precinct Number.
- Ensure that this process is completed within 48 hours.





- E-mail the TER Help Desk with the following information:
 - Identify the incorrect information (i.e., registration district, place of death county or city);
 - Order/Remittance number; and
 - Decedent's name, date of death and EDR number.
- Once this process is completed, you will receive further instructions to complete your order.
- Upon receipt of this information, please forward documentation to VSU's Records Receiving section.
- VSU may report the filing death records in the wrong registration district to the Texas Funeral Services Commission.



Mailing

- Mail records at least once a month to VSU, as required by Section 191.029 of the Texas Health and Safety Code.
- Include a return address on the envelope.
- Send a batch control sheet when mailing records to VSU.





- Government Offices designated as Remote Birth Access sites are linked to Department of State Health Services/Texas Vital Statistics birth database. This allows you to get a birth certificate from where you live, instead of being limited to the state office or the vital records office in the county where the birth took place.
- Each Remote Access Site sets its own hours of operation, fees, and procedures for requests.
- Offices must complete remote contracts and confidentiality agreements in order to use the system.



The Remote Birth Access contract states that:

- "Receiving Agency [Local Office] will search Performing Agency [State Office] databases, locate data, and issue Certifications of Vital Records to authorized individuals requesting such data. The certifications will be in a format formally approved by Performing Agency." Each Remote Access Site sets its own hours of operation, fees, and procedures for requests."
- "Receiving Agency ensures that "Data will not be used for any purpose other than that specifically set forth [in contact]."



- Local registrars can only use the Remote Birth Access system for searching and issuing a certified copy of a birth record if said birth record is found.
- The local registrar must have a completed application, proper identification, and fee from the applicant before performing a search.
- Local registrars that uses the Remote Birth Access system for any other purpose are in violation of contract and the local registrar's access may be terminated if access has been determined to be detrimental to the operation and security of the Remote Birth Access system



- Users must use their own user ID (and only their own user ID).
- When a user leaves, the local registrar must notify VSU immediately so that the user account can e disabled.
- Send a list of voided printed records monthly so that VSU can correct the lifetime count. Be sure to mark "voided" on the voided certified copy.





TER Usage



Procedures for TER Processes

- Checking your queue
- Printing/processing amendments
- Reconcile Reports of Death with the Record Status screen

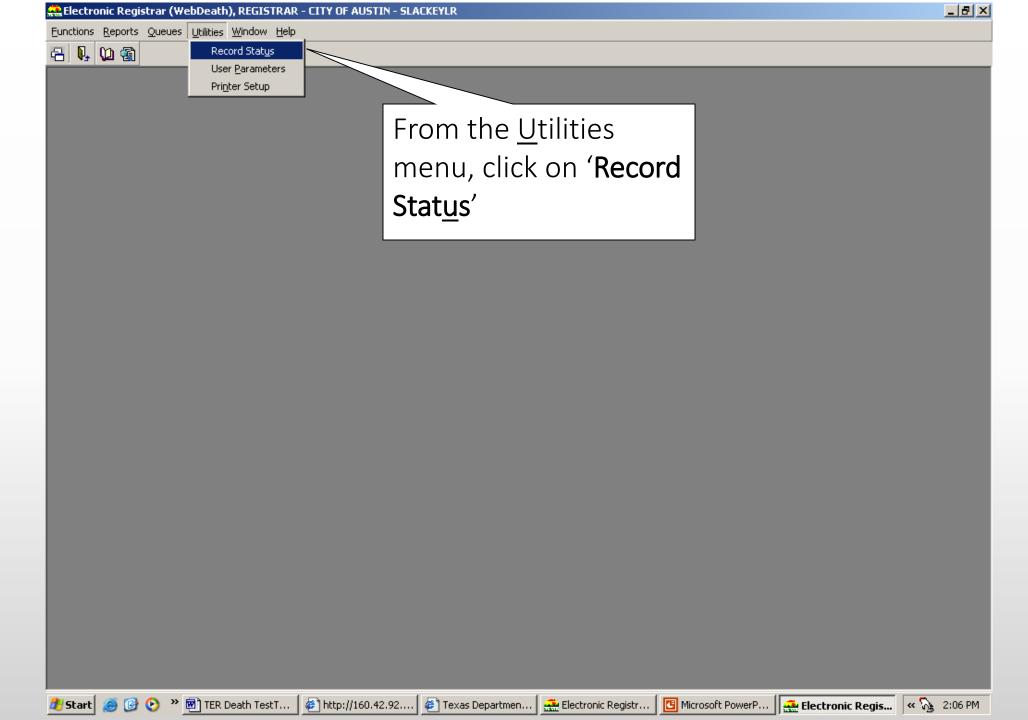
Security

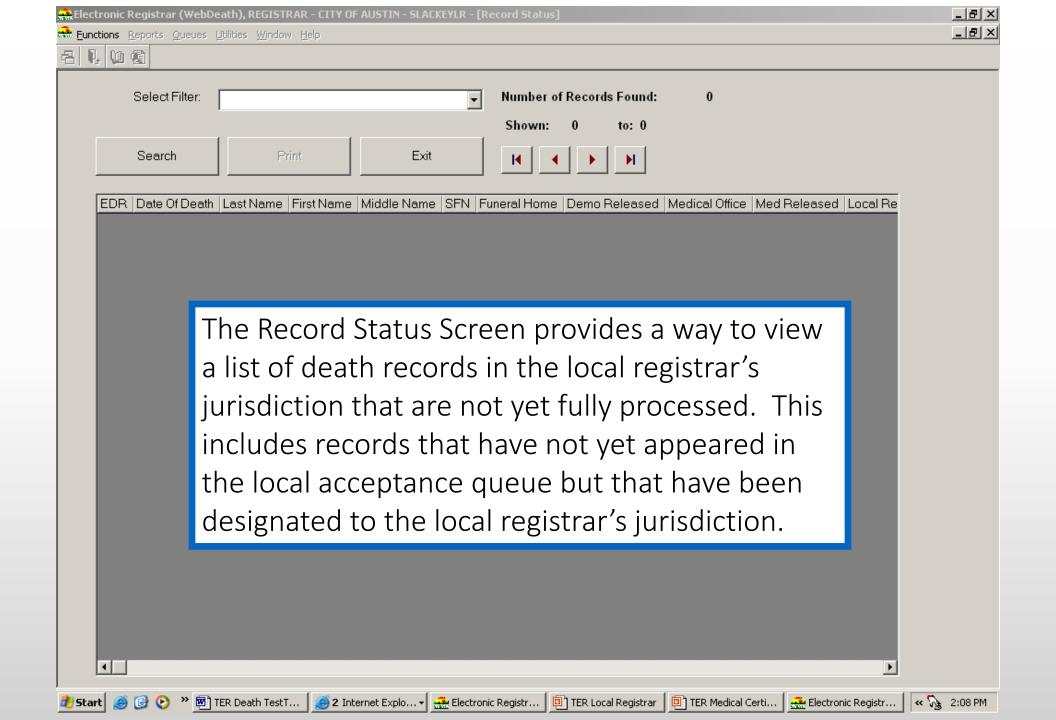
- Separate User IDs for all employees
- No sharing passwords

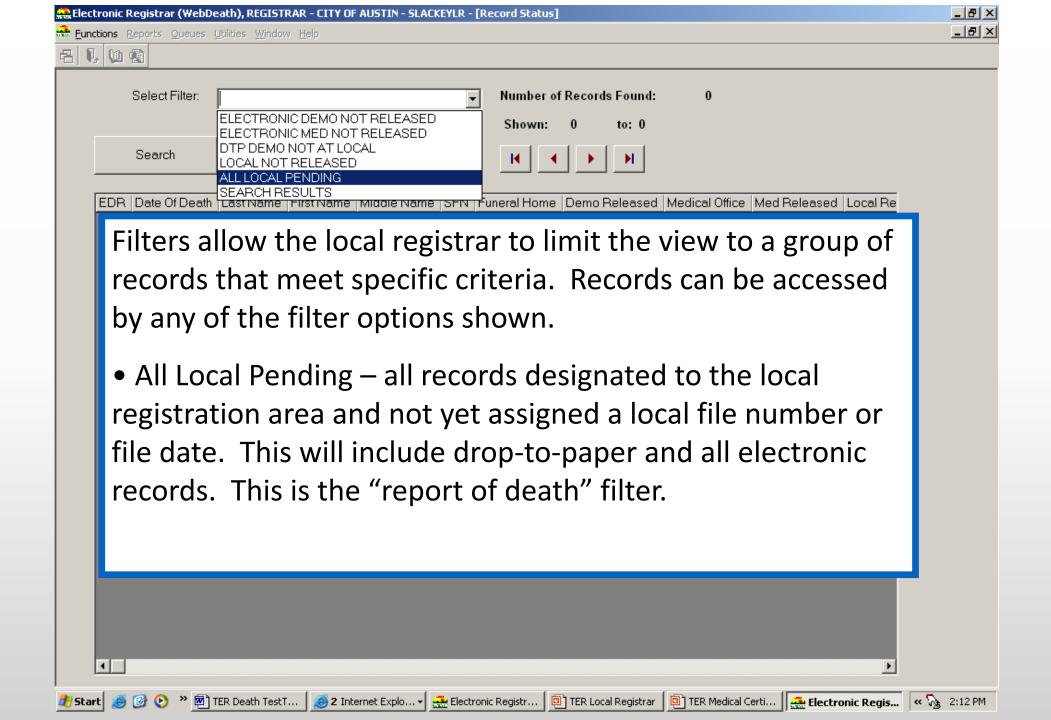
Processing Death Record

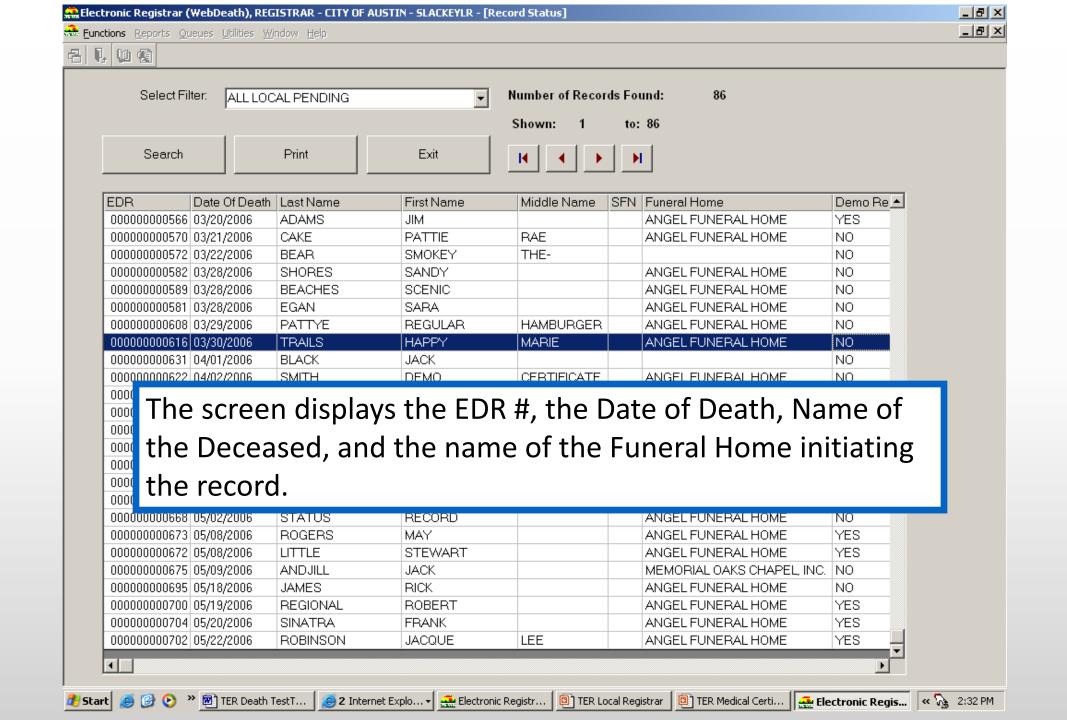
- Processing Manual Record
- Comparing drop-to-paper counters with what is on the record
- Ensuring record is filed in the correct registration district

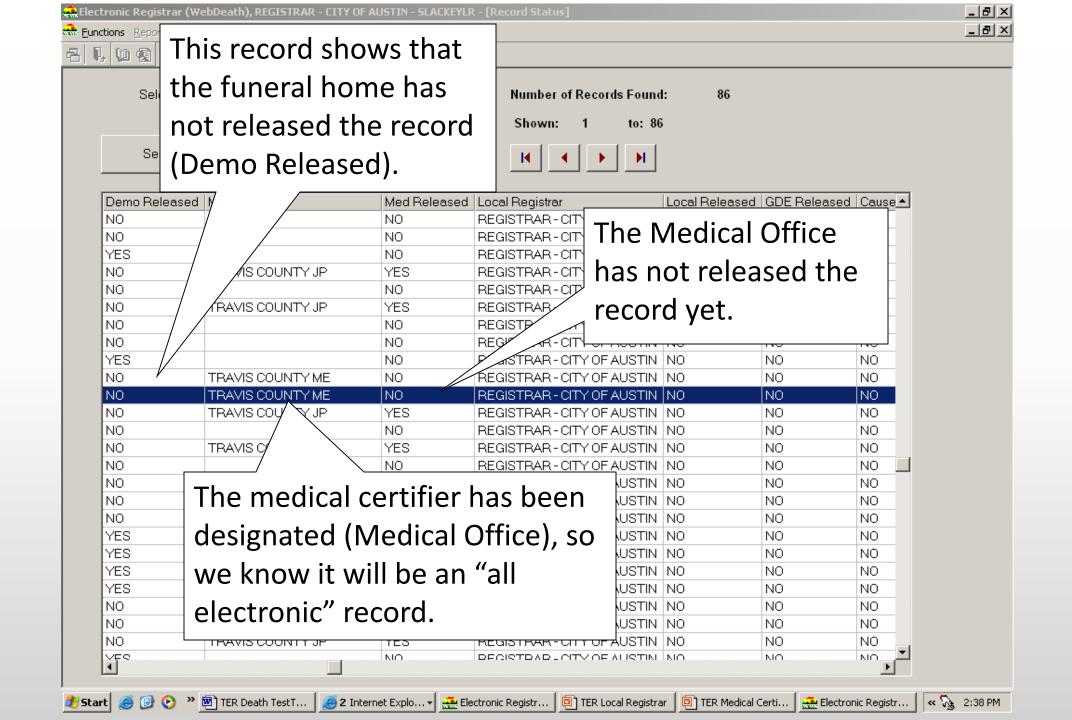


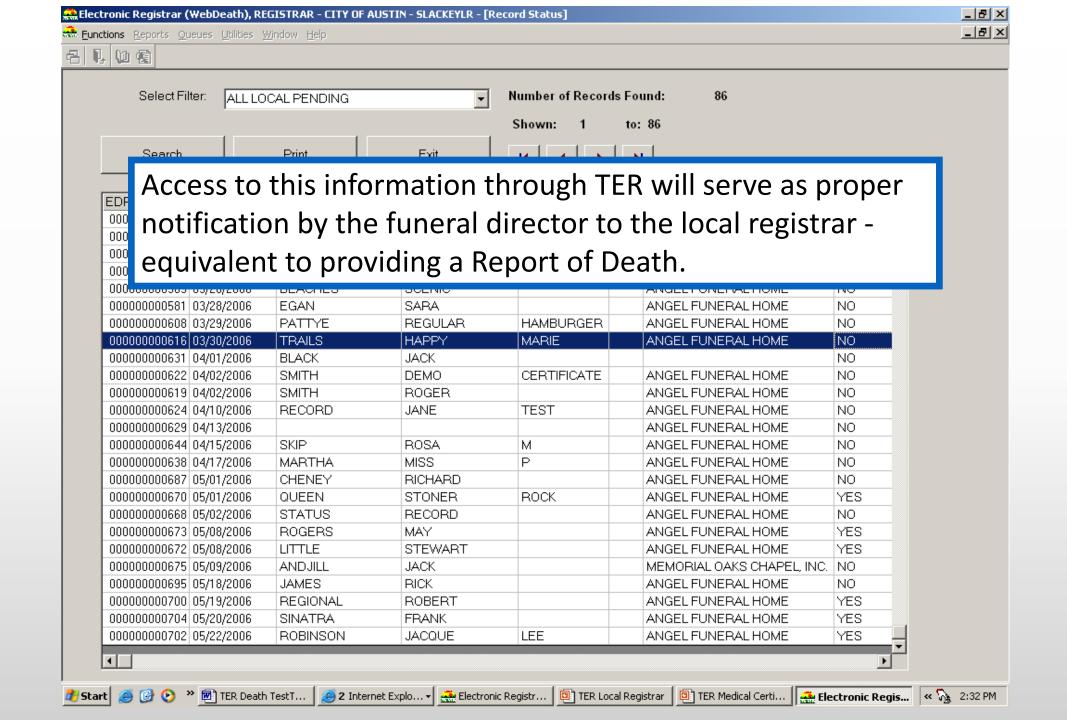












Administrative Filing of Birth Record for Birth/Death Matching Purposes

- Monitor infant deaths filed in the local registrar's office.
 - Death of a child under one year of age.
- If a record of birth is never filed, an administrative birth record may be filed by local registrar for birth death matching purposes.
- This process must be completed no later than one year after the date of birth as it is listed on the birth record.



Administrative Filing of Birth Record for Birth/Death Matching Purposes

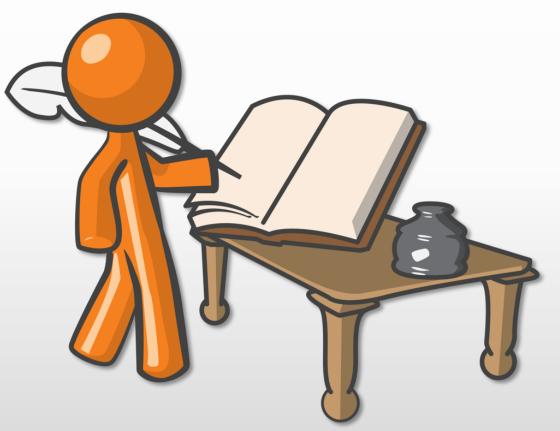
- The Local Registrar will obtain as much information as possible to complete the birth record.
- Information blocks on the record for information that is not available or cannot be obtained should be marked "unknown" or "not available." This includes information related to the attendant at birth.
- The local registrar files the birth record in his or her records, assigning a registrar's file number. The date the record is received or filed by the local registrar will be shown as the date filed
- The local registrar signs the certificate as both certifier and registrar.



Administrative Filing of Birth Record for Birth/Death Matching Purposes

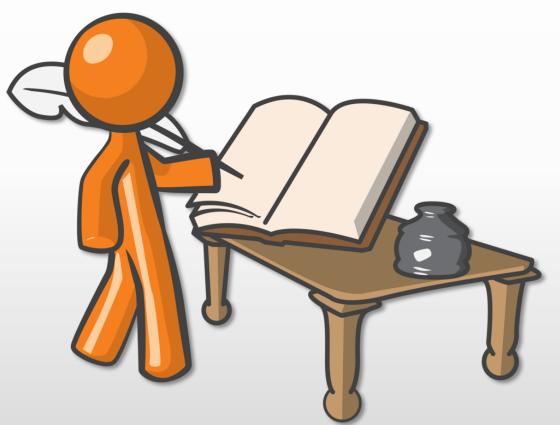
- Send the certificate to Records Receiving with a letter explaining the reason for the administrative filing.
- Upon receipt, Records Receiving dates, numbers, and files the certificate as a current record.
- The record will be permanently stamped "Administrative Filing" in the upper left side margin.
- The Birth/Death Cross-Match Unit will mark both the paper and electronic records "deceased" and make the proper notations in the event the infant dies.





Reporting Deaths to Voter Registrar's and Secretary of State's Offices

- Each month, the local registrar of deaths shall prepare an abstract of each death certificate issued in the month for a decedent 18 years of age or older who was a resident of the state at the time of death.
- The local registrar of deaths shall file each abstract with the voter registrar of the decedent's county of residence and the secretary of state not later than the 10th day of the month following the month in which the abstract is prepared.
- Each month the clerk of each court having probate jurisdiction shall prepare an abstract of each application for probate of a will, administration of a decedent's estate, or determination of heirship that is filed in the month with a court served by the clerk.
- The clerk shall file each abstract with the voter registrar and the secretary of state not later than the 10th day of the month following the month in which the abstract is prepared.

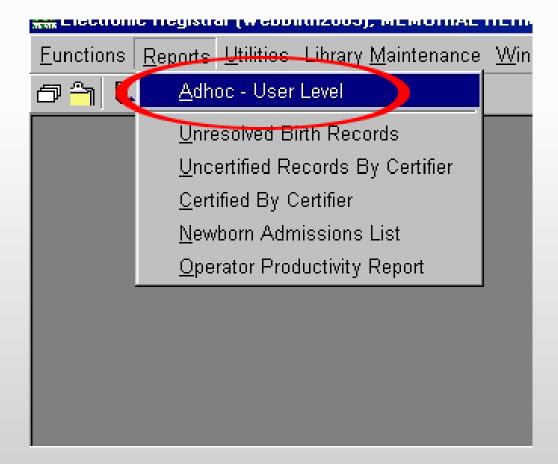


Reporting Deaths to Voter Registrar's and Secretary of State's Offices

- Once each week, on a day specified by the secretary of state, the Bureau of Vital Statistics shall furnish to the secretary of state available information specified by the secretary relating to deceased residents of the state.
- Periodically, the secretary shall furnish to the appropriate voter registrars information obtained from the bureau that will assist in identifying the deceased registered voters of each county.
- The secretary of state shall quarterly obtain from the United States Social Security Administration available information specified by the secretary relating to deceased residents of the state.
- The information required to be filed with the secretary of state under this section must be filed electronically.

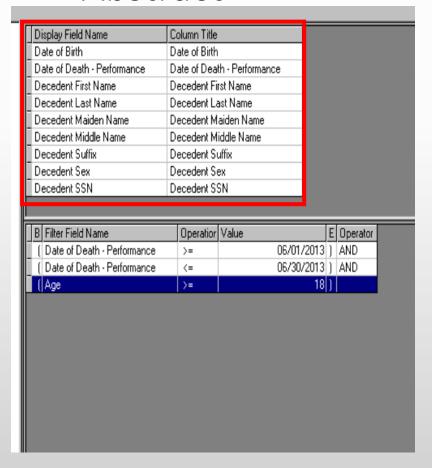
Running the Voter Abstract

• Select 'Adhoc – User level' from the 'Report' menu:



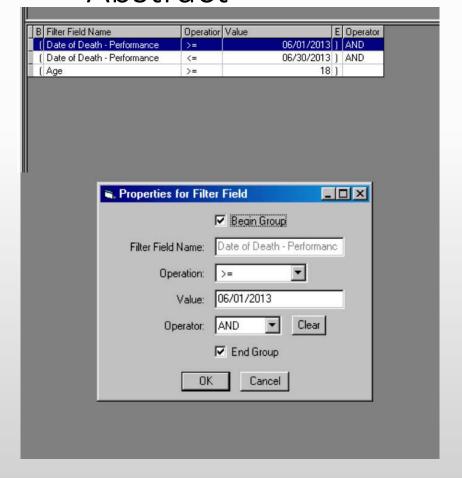
Running the Voter Abstract

 The top portion of the screen displays the information contained in the report.



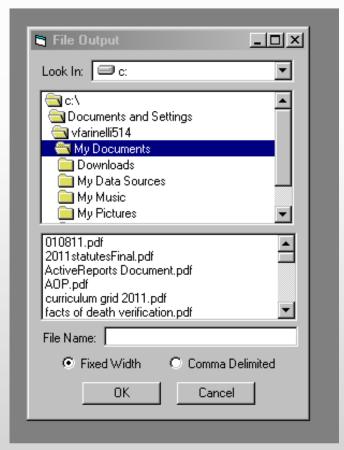
Running the Voter Abstract

- Enter the value in the bottom portion of the screen by clicking the appropriate fields.
 - In the example, the first value is the start date of 06/01/2013.
 The second value is the
 - end date of 06/30/2013. A list of records will be generated that fall within that date range.



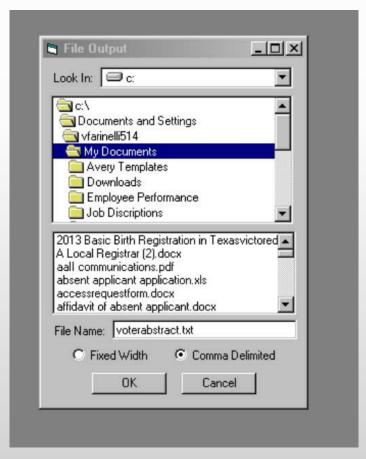
• Select the "Save to File" icon.

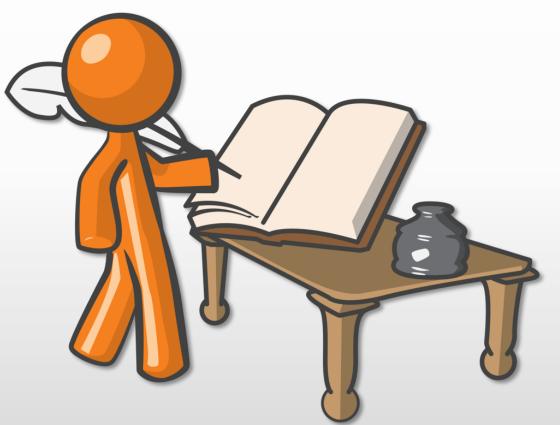
 In the 'File Output' window, select the folder you want to save the file to: Running the Voter Abstract



Running the Voter Abstract

 Name the file in the 'File Name' field and indicate that the file should be saved as a text file (.txt)





Reporting Deaths to Voter Registrar's and Secretary of State's Offices

- Should you then need additional assistance to upload the file to the Secretary of State's County Data Website, please email:
 - <u>elections@sos.state.tx.us</u>; or
 - call: (800) 252-2216, option1.

HSC 191.0046(e)(f)

- (e) It is the intent of the legislature to not impose a cost for obtaining certified records for the purpose of obtaining an election identification certificate issued pursuant to Chapter 521A, Transportation Code. Notwithstanding any other law, the state registrar, a local registrar, or a county clerk shall not charge a fee to an applicant that is associated with searching for or providing a record, including a certified copy of a birth record, if the applicant states that the applicant is requesting the record for the purpose of obtaining an election identification certificate under Section 521A.001, Transportation Code.
- (f) Notwithstanding Subsection (e), a local registrar or a county clerk who issues a birth record that is required for the purpose of obtaining an election identification certificate issued pursuant to Chapter 521A, Transportation Code, and is otherwise entitled by law to retain all or a portion of a fee for that birth record, is entitled to payment of the amount from the department.



GC 552.115(a)(2)

A death record is public information and available to the public on and after the 25th anniversary of the date of death as shown on the record filed with the vital statistics unit or local registration official, except that if the decedent is unidentified, the death record is public information and available to the public on and after the first anniversary of the date of death.



HSC 191.0031

CERTIFIED COPIES BY MAIL. The state registrar or a local registrar may not issue a certified copy of a record under this chapter to a person who has applied for the record by mail unless the person has provided notarized proof of identity in accordance with rules adopted by the executive commissioner of the Health and Human Services Commission. The rules may require the issuer of the certified copy to verify the notarization using the records of the secretary of state under Section 406.012, Government Code.



HSC 191.022(g)

Each local registrar shall annually submit a self-assessment report to the state registrar. The department shall prescribe the information that must be included in the report to allow a thorough desk audit of a local registrar.



HSC 191.071(a)

A person may not access vital records maintained by the department under this chapter and may not access the department's vital records electronic registration system unless the department, or another person acting on behalf of the department, has conducted a fingerprint-based criminal background check, using state and federal databases, on the person in accordance with department policy and the person's record is satisfactory as determined under department policy.





Questions



